

has the water right which he claims. However, in the event that Protestant can furnish evidence that such a spring exists and that he has established a valid water right thereto, the State Engineer will not object to the inclusion of such a right in the Proposed Determination of Water Rights.

## 2. SPRING CREEK WATER COMPANY

a. Protestant claims that it has established a valid diligence right from Spring Creek and Dry Hollow Spring for culinary, domestic, fish culture, ornamental ponds, propagation of wild fowl, and other beneficial purposes. It is the contention of the State Engineer that, while he recognizes that Protestant has a valid right from these sources for irrigation and stockwatering purposes, he has found no evidence that Protestant, or their predecessors in interest, have beneficially used the water from these sources for the additional purposes claimed. Therefore, the State Engineer denies that a valid right exists for these additional purposes.

b. The duty of water which the State Engineer has recommended that the Court establish in this area is three acre feet per acre on an interlocutory basis. The State Engineer asserts that this recommended duty of water is sufficient to meet the beneficial requirements of Protestants' irrigated acreage and that any use of water in excess of this proposed duty of water would be wasteful. Protestants, on the other hand, assert that the proposed duty of water is not sufficient to mature their crops and that they can beneficially use water in excess of three acre feet per acre during the irrigation season.

## 3. GARR SPRING WATER COMPANY

a. Garr Spring Water Company claims that its rights on Garr Spring were improperly described in the Proposed Deter-